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HOUSE BILL 1033

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

FRED LUNA

AN ACT

RELATING TO PROFESSIONAL ATHLETIC EVENTS; DECLARING PROFESSIONAL WRESTLING TO BE ENTERTAINMENT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2A-2 NMSA 1978 (being Laws 1980, Chapter 90, Section 2, as amended) is amended to read:

"60-2A-2. DEFINITIONS. --As used in the Professional Athletic Competition Act:

- A. "board" means the medical advisory board;
- B. "commission" means the New Mexico athletic commission;
- C. "foreign co-promoter" means a promoter who has no place of business in this state;
- D. "professional boxer" [~~or "professional wrestler"~~]

1 means an individual who competes for money, prizes or purses or  
2 who teaches, pursues or assists in the practice of boxing  
3 [~~wrestling~~] or martial arts as a means of obtaining a livelihood  
4 or pecuniary gain;

5 E. "professional contest" means any professional  
6 boxing [~~wrestling~~] or martial arts contest or exhibition,  
7 whether or not an admission fee is charged for admission of the  
8 public;

9 F. "promoter" means any person, and in the case of a  
10 corporate promoter includes any officer, director or stockholder  
11 of the corporation, who produces or stages any professional  
12 boxing [~~wrestling~~] or martial arts contest, exhibition or closed  
13 circuit television show;

14 G. "purse" means the financial guarantee or any  
15 other remuneration, or part thereof, for which professional  
16 boxers [~~or professional wrestlers~~] are participating in a  
17 contest or exhibition and includes the participant's share of  
18 any payment received for radio broadcasting, television or  
19 motion picture rights;

20 H. "ring official" means any person who performs an  
21 official function during the progress of a contest or  
22 exhibition; and

23 I. "department" means the regulation and licensing  
24 department. "

25 Section 2. A new section of the Professional Athletic

Underscored material = new  
[bracketed material] = delete

1 Competition Act, Section 60-2A-2.1 NMSA 1978, is enacted to  
2 read:

3 "60-2A-2.1. [NEW MATERIAL] PROFESSIONAL WRESTLING--  
4 ENTERTAINMENT. --

5 A. A professional wrestling match or exhibition is  
6 entertainment, not an athletic competition subject to regulation  
7 or control by the commission.

8 B. Professional wrestlers are not subject to  
9 regulation or control by the commission.

10 C. The promotion, production, staging, financing or  
11 remuneration of contestants of a professional wrestling match or  
12 exhibition are not subject to regulation or control by the  
13 commission. "

14 Section 3. Section 60-2A-7 NMSA 1978 (being Laws 1980,  
15 Chapter 90, Section 7) is amended to read:

16 "60-2A-7. MEDICAL ADVISORY BOARD. --

17 A. There is created the "medical advisory board" to  
18 assist the commission.

19 B. The board shall consist of three members to be  
20 appointed by the commission. Each member of the board shall be  
21 licensed to practice medicine in this state and shall have had  
22 at the time of his appointment at least five years' experience  
23 in the practice of his profession. Members of the board shall  
24 serve without compensation.

25 C. The board shall:

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1 (1) prepare and submit to the commission for  
2 its approval standards for the physical and mental examination  
3 of professional boxers [~~and professional wrestlers which~~] that  
4 shall safeguard their health; provided no standard shall become  
5 effective until approved by the commission;

6 (2) recommend to the commission for licensing  
7 purposes physicians who are qualified to make examinations of  
8 professional boxers [~~and wrestlers~~]; and

9 (3) upon request of the commission, advise the  
10 commission as to the physical and mental fitness of any  
11 individual professional boxer [~~or wrestler~~]."

12 Section 4. Section 60-2A-10 NMSA 1978 (being Laws 1980,  
13 Chapter 90, Section 10) is amended to read:

14 "60-2A-10. LICENSES FOR PROMOTERS, BOXERS, [~~WRESTLERS~~]  
15 TRAINERS, RING OFFICIALS AND OTHERS. --

16 A. All promoters, foreign co-promoters, matchmakers,  
17 professional boxers, [~~professional wrestlers~~] managers, seconds,  
18 announcers, referees, trainers, booking agents and timekeepers  
19 shall be licensed by the commission.

20 B. No person shall be permitted to participate  
21 either directly or indirectly in any professional contest unless  
22 [~~such person shall have~~] he has first procured a license from  
23 the commission.

24 C. Any person violating the provisions of this  
25 section is guilty of a petty misdemeanor."

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1 Section 5. Section 60-2A-12 NMSA 1978 (being Laws 1980,  
2 Chapter 90, Section 12, as amended) is amended to read:

3 "60-2A-12. LICENSE FEES.--The annual license fee shall not  
4 exceed the following amounts:

- 5 A. promoters ..... \$300. 00
- 6 B. foreign co-promoters ..... 500. 00
- 7 C. referees ..... 40. 00
- 8 D. timekeepers and announcers ..... 25. 00
- 9 E. seconds and trainers ..... 25. 00
- 10 F. managers ..... 50. 00
- 11 G. professional boxers ..... 25. 00
- 12 [~~H.~~] H. booking agents ..... 50. 00
- 13 [~~J.~~] I. matchmakers ..... 50. 00
- 14 [~~K.~~] J. judges..... 25. 00.

15  
16 Every license shall expire at midnight on December 31 of  
17 the year in which the license is issued. "

18 Section 6. Section 60-2A-16 NMSA 1978 (being Laws 1980,  
19 Chapter 90, Section 16) is amended to read:

20 "60-2A-16. CONTRACTS.--

- 21 A. Every professional boxer [~~or professional~~  
22 ~~wrestler~~] competing in a professional contest [~~shall be~~] is  
23 entitled to receive a copy of a written contract or agreement,  
24 approved as to form by the commission, binding a licensee to pay  
25 the professional boxer [~~or professional wrestler~~] a certain

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1 fixed fee or percentage of the gate receipts.

2 B. One copy of [~~such~~] the contract or agreement  
3 shall be filed with the executive secretary of the commission,  
4 and one copy shall be retained by the licensee or promoter of  
5 the professional contest. "

6 Section 7. Section 60-2A-17 NMSA 1978 (being Laws 1980,  
7 Chapter 90, Section 17) is amended to read:

8 "60-2A-17. INSURANCE. --

9 A. The commission may by rule require insurance  
10 coverage for each licensed professional boxer [~~or professional~~  
11 ~~wrestler~~] to provide for medical, surgical and hospital care for  
12 injuries sustained while preparing for or engaged in a  
13 professional contest, in an amount of one thousand dollars  
14 (\$1,000) payable to [~~such~~] the boxer [~~or wrestler~~] as  
15 beneficiary.

16 B. In lieu of or in addition to the insurance  
17 provided for in Subsection A of this section, the commission may  
18 establish a voluntary injury fund in the state treasury to  
19 provide for the medical care of a professional boxer [~~or~~  
20 ~~professional wrestler~~] injured in the course of a professional  
21 contest. The fund shall consist solely of voluntary  
22 contributions by promoters equal to two percent of the gross  
23 receipts of the professional contest. The funds may be expended  
24 upon vouchers signed by the chairman of the commission and  
25 warrants drawn by the secretary of finance and administration. "

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1           Section 8. Section 60-2A-19 NMSA 1978 (being Laws 1980,  
2 Chapter 90, Section 19) is amended to read:

3           "60-2A-19. WITHHOLDING OF PURSE. --

4           A. The commission or its executive secretary may  
5 order a promoter to withhold any part of a purse or other funds  
6 belonging or payable to any contestant, manager or second if, in  
7 the judgment of the commission or the executive secretary, the  
8 contestant is not competing honestly or to the best of his skill  
9 and ability or if the manager or second has violated any of the  
10 provisions of the Professional Athletic Competition Act or any  
11 rule promulgated [~~thereunder~~] under that act.

12           ~~[B. This section does not apply to any professional~~  
13 ~~wrestler who appears not to be competing honestly or to the best~~  
14 ~~of his skill and ability.~~

15           ~~E.]~~ B. Upon the withholding of any part of a purse  
16 pursuant to this section, the commission shall immediately  
17 schedule a hearing on the matter as promptly as possible. If it  
18 is determined that [~~such~~] the contestant, manager or second is  
19 not entitled to any part of his share of the purse or other  
20 funds, the promoter shall turn [~~such~~] that money over to the  
21 commission, and it shall become forfeit to the state and be  
22 disposed of as are fees. "

23           Section 9. Section 60-2A-21 NMSA 1978 (being Laws 1980,  
24 Chapter 90, Section 21) is amended to read:

25           "60-2A-21. LENGTH OF PROFESSIONAL CONTESTS-- ROUNDS. -- No

1 professional boxing contest shall be more than fifteen rounds in  
2 length, and each round shall not exceed three minutes in length.  
3 There shall be a one-minute rest between rounds. ~~The~~  
4 ~~commission shall adopt rules governing the length of~~  
5 ~~professional wrestling contests, duration of rounds and the~~  
6 ~~period of rest between rounds.] "~~

7 Section 10. EMERGENCY. --It is necessary for the public  
8 peace, health and safety that this act take effect immediately.

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**State of New Mexico  
House of Representatives**

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
been referred

HOUSE BILL 1033

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Fred Luna, Chairman

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HB/C/HB 1033

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Gubbels, Hobbs, Kissner, Rodella

Absent: Getty

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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March 17, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 1033

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Shannon Robinson, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

Underscored material = new  
~~[bracketed material] = delete~~

1 The roll call vote was 5 For 0 Against

2 Yes: 5

3 No: 0

4 Excused: Garcia, Ingle, Vernon, Rodarte

5 Absent: None

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